UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT MERRIWEATHER,

Plaintiff, No. 04-CV-71706-DT

vs. Hon. Gerald E. Rosen

T.A. ZAMORA, et al.,

Defendants.
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ORDER ADOPTING MAGISTRATE JUDGE'S FEBRUARY 12, 2008 REPORTS AND RECOMMENDATIONS, GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, IN PART, AND DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on March 27, 2008

PRESENT: Honorable Gerald E. Rosen
United States District Judge

This *Bivens*[1] action having come before the Court on United States Magistrate Judge R. Steven Whalen's two February 12, 2008 Reports and Recommendations recommending that (1) Defendants' Motion for Summary Judgment be granted, in part, and denied, in part; and (2) Plaintiff's Motion for Summary Judgment be denied; and, while Defendants timely filed objections to the one R&R regarding their motion for

[1] *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 288 (1971).

summary judgment,[2] no timely objections were filed by any party to the R&R addressing Plaintiff's motion for summary judgment; and the Court having reviewed and considered the Reports and Recommendations, all timely-filed objections, and the entire record of this matter, and having determined that, for the reasons stated by the Magistrate Judge, Defendants' Motion for Summary Judgment should be granted, in part, and denied, in part, and Plaintiff's Motion for Summary Judgment should be denied, in its entirety,

NOW, THEREFORE,

IT IS HEREBY ORDERED that Magistrate Judge R. Steven Whalen's two February 12, 2008 Reports and Recommendations **[Dkt. Nos. 80 and 81]** are hereby adopted by the Court.

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment **[Dkt. No. 65]** is GRANTED, in part, and DENIED, in part, as follows:

(1) Defendants' Motion is GRANTED as to Defendants Harry Baugher, Daniel Bridge, Kevin Doaks, Kimberly Tomich, Dena Ellis and John Aylward, and Plaintiff's claims against these Defendants are DISMISSED, WITH PREJUDICE.

(2) Defendants' Motion is GRANTED, in part, and DENIED, in part, as to Defendants James Davenport, Brian Dutton, Sott, Beaudrie, Frank Finch, Tess Tamora, Steve Culver, and Don Vronman as follows:

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[2] Although the docket notation for Defendants' February 27, 2008 Objections link the objections to Docket # 81 which is the R&R addressing *Plaintiff's* Motion for Summary Judgment. However, it is clear from the text of the Objections themselves that they address *Defendants'* motion, not Plaintiff's motion. Defendants' motion is addressed in the R&R at Docket # 80.

(A) Summary Judgment as to Plaintiff's claims represented by Exhibits 3, 5-6, 11-12, 19, 27, 28, 32, and 36 are GRANTED, and those claims are DISMISSED, with prejudice.

(B) Summary Judgment as to claims represented by Exhibits 7, 8, 10, 13-14, 17-18, 21, 22, 24, 27, 28, 30-31, 33, 35 and 36 is DENIED.

(3) Plaintiff's request for injunctive relief in Paragraph 13 of his Complaint is DISMISSED as moot.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment **[Dkt. No. 67]** is DENIED.

s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

Dated: March 27, 2008

I hereby certify that a copy of the foregoing document was served upon Robert Merriweather and counsel of record on March 27, 2008, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager